UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

NATIONAL FISH & SEAFOOD, INC.,	§ §	
Plaintiff,	8 8 9	
- V	8 8 9	CIVIL ACTION 3:15-CV-3880-N
GREAT AMERICAN INSURANCE COMPANY,	8 8 c	
Defendant.	8 8 8	

AGREED MOTION TO DISMISS WITH PREJUDICE

Pursuant to Federal Rule of Civil Procedure 41, Defendant Great American Insurance Company ("GAIC") and Plaintiff National Fish & Seafood, Inc. ("National Fish") hereby jointly file this *Agreed Motion to Dismiss With Prejudice* (the "Motion"). In support thereof, the Parties respectfully show the Court as follows:

- 1. The Parties have settled their dispute.
- 2. The Parties jointly request the Court to dismiss this lawsuit and all claims asserted or brought herein, pursuant to Federal Rule of Civil Procedure 41(a)(2). The Parties specifically request that such dismissal be <u>with prejudice</u> against refiling, each party to bear its own costs and attorney's fees.

PRAYER

WHEREFORE, the Parties respectfully request that the Court enter an order dismissing this case with prejudice against refiling, each party to bear its own costs and attorney's fees.

Respectfully submitted,

/s/ Martin C. Pentz w/p <u>SKK 12/20/17</u>

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CERTIFICATE OF CONFERENCE

I hereby certify that on December 22, 2017 I conferred with counsel for National Fish, Mr. Martin Pentz, and that counsel is agreed to the filing of this Motion jointly.

/s/ Charles E. Schmidt Counsel for Defendant

CERTIFICATE OF SERVICE

On January 2, 2018, I electronically submitted the foregoing document with the Clerk of Court for the United States District Court, Northern District of Texas, using the electronic case filing (ECF) system of the Court. I hereby certify that I have served all counsel of record electronically or by another manner authorized by the Federal Rules of Civil Procedure.

/s/ Scott K. Koelker

Counsel for Defendant